UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

APR 0 7 2015

REPLY TO THE ATTENTION OF:
WC-15J

CERTIFIED MAIL 70014 2870 0001 9580 7726
RETURN RECEIPT REQUESTED

FOIA Exemption (b) (6)
Calamity Knoll Farm
FOIA Exemption (b) (6)
[redacted]

Subject: Administrative Order on Consent
Docket No. V-W-15-AO-05

Dear FOIA Exemption (b) (6):

Enclosed you will find the negotiated Administrative Order on Consent to mitigate potential violations of the Wisconsin Pollutant Discharge Elimination System Permit, WI-0059048, which the U.S. Environmental Protection Agency discovered during an inspection on April 24, 2014. The Agreement negotiated with you outlines compliance measures to be taken by Calamity Knoll Farms.

If you have any questions or concerns, please contact Don Schwer, at (312) 353-8752 or schwer.don@epa.gov.

Sincerely,

Tinka G. Hyde
Director, Water Division

Enclosure

cc: Mark Cain, Wisconsin Department of Natural Resources

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

IN THE MATTER OF:	)	
	)	ADMININISTRATIVE CONSENT
Calamity Knoll Farm	)	ORDER UNDER SECTIONS 308 AND
FOIA Exemption (b) (6)	)	309(a) OF THE CLEAN WATER ACT
	)	
	)	
Respondent	)	DOCKET NO: V-W-15-AO-05
	)	

Administrative Consent Order

1. The U.S. Environmental Protection Agency (EPA) issues this Consent Order (Consent Order) to Calamity Knoll Farm (Respondent) under the authority of Sections 308 and 309(a) of the Clean Water Act (CWA), 33 U.S.C. §§ 1318 and 1319(a). The Administrator of EPA has delegated the authority to issue such orders to the Regional Administrator of EPA Region 5, who has redelegated this authority to the Director of the Water Division, EPA, Region 5.

Statutory and Regulatory Background

2. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of pollutants to the waters of the United States except in compliance with, *inter alia*, a National Pollutant Discharge Elimination System (NPDES) permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.

3. Pursuant to the CWA and EPA regulations, the owner or operator of a concentrated animal feeding operation (CAFO) which discharges must seek coverage under an NPDES permit. 33 U.S.C. § 1318; 40 C.F.R. § 122.23(d). Pursuant to 33 U.S.C. § 1318, the owner or operator must also provide other information as reasonably required by EPA.

4. EPA has approved the State of Wisconsin program to issue NPDES permits under Section 402(b) of the CWA, 33 U.S.C § 1342(b). The Wisconsin Department of Natural Resources (WDNR) is the NPDES permitting authority for the State of Wisconsin. EPA retains the authority to enforce the CWA in Wisconsin. NPDES permits issued by WDNR are identified as Wisconsin Pollutant Discharge Elimination System, or "WPDES" permits.

Definitions

5. All terms used but not defined in this Consent Order shall have the meanings provided to them in the CWA and EPA regulations promulgated under the CWA.

6. "Animal feeding operation" or "AFO" means "a lot or facility where . . . (i) Animals (other than aquatic animals) have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period and, (ii) Crops, vegetation, forage growth, or post harvest residues are not sustained in the normal growing season over any portion of the lot or facility." *See* 40 C.F.R. § 122.23(b)(1).

7. "Concentrated animal feeding operation" or "CAFO" means an AFO that is defined as, *inter alia,* a Large CAFO. Two or more AFOs under common ownership are considered to be a single AFO for the purpose of determining the number of animals at an operation, if they adjoin each other or if they use a common area or system for the disposal of wastes. *See* 40 C.F.R. § 122.23(b)(2).

8. "Discharge" or "discharge of a pollutant" means, among other things, any addition of any pollutant to navigable waters from any point source. *See* Sections 502(12), 502 (16) of the CWA, 33 U.S.C. §§ 1362(12), 1362(16); 40 C.F.R. § 122.2.

9. "Facility" means the CAFO owned and operated by the Respondent at 9819 South Gustafson Road, Clinton, Wisconsin 53525.

10. "Land application area" means land under the control of the Respondent, whether that land is owned, rented, or leased, to which manure, litter or process wastewater from the production area is or may be applied. *See* 40 C.F.R. § 122.23(b)(3).

11. "Large CAFO" means an animal feeding operation that stables or confines as many as or more than the numbers of animals specified in any of the following ranges: 1,000 cattle other than mature dairy cows or veal calves; 700 mature dairy cows, whether milked or dry; 1,000 veal calves; 2,500 swine each weighing 55 pounds or more; 10,000 swine each weighing less than 55 pounds; 500 horses; 10,000 sheep or lambs; 55,000 turkeys; 30,000 laying hens or broilers, if the AFO uses a liquid manure handling system; 125,000 chickens (other than laying hens) if the AFO uses other than a liquid manure handling system; 82,000 laying hens if the AFO uses other than a liquid manure handling system; 30,000 ducks if the AFO uses other than a liquid manure handling system; or 5,000 ducks if the AFO uses a liquid manure handling system; *See* 40 C.F.R. § 122.23(b)(4).

12. "Manure" means, manure, bedding, compost, and raw materials or other materials commingled with manure or set aside for disposal. *See* 40 C.F.R. § 122.23(b)(5).

13. "Navigable waters" means the waters of the United States. *See* Section 502(7) of the CWA, 33 U.S.C. § 1362(7).

14. "Nutrient management plan" means the WDNR approved nutrient management plan (NMP) submitted and updated annually under the WPDES permit (WI-0059048).

15. "Overflow" means the discharge of manure or process wastewater resulting from the filling of wastewater or manure storage structures beyond the point at which no more manure, process wastewater, or stormwater can be contained by the structure.

16. "Person" means, among other things, an individual, association, partnership, or corporation. *See* Section 502(5) of the CWA, 33 U.S.C. § 1362(5); 40 C.F.R. § 122.2.

17. "Point source" means, among other things, "any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, ... [or] concentrated animal feeding operation ... from which pollutants are or may be discharged." *See* Section 502(14) of the CWA, 33 U.S.C. § 1362(14); 40 C.F.R. § 122.2.

18. "Pollutant" means, among other things, solid waste, sewage, garbage, sewage sludge, chemical wastes, biological materials, wrecked or discarded equipment, rock, sand, cellar dirt, and agricultural waste discharged into water. *See* Section 502(6) of the CWA, 33 .S.C. § 1362(6); 40 C.F.R. § 122.2.

19. "Process wastewater" means water directly or indirectly used in the operation of the animal feeding operation for any or all of the following: spillage or overflow from animal or poultry watering systems; washing, cleaning, or flushing pens, barns, manure pits, or other animal feeding operation facilities; direct contact swimming, washing, or spray cooling of animals; or dust control. Process wastewater also includes any water which comes into contact with any raw materials, products, or byproducts including manure, litter, feed, milk, eggs or bedding. *See* 40 C.F.R. § 122.23(b)(7).

20. "Production area" means that part of the site that includes the animal confinement area, the manure storage area, the raw materials storage area, and the waste containment area. The animal confinement area includes but is not limited to open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, walkers, animal walkways, and stables. The manure storage area includes but is not limited to lagoons, runoff ponds, storage sheds, stockpiles, under house or pit storages, liquid impoundments, static piles, and composting piles. The raw materials storage area includes but is not limited to feed silos, silage bunkers, and bedding materials. The waste containment area includes but is not limited to settling basins, and areas within berms and diversions which separate uncontaminated storm water. Also included in the definition of production area is any egg washing or egg processing facility, and any area used in the storage, handling, treatment, or disposal of mortalities. *See* 40 C.F.R. § 122.23(b)(8).

21. "Site" shall mean the facility or facilities owned or operated by Respondent located at or about 9819 South Gustafson Road, Clinton, Wisconsin 53525, including but not limited to the land application area, the production area, and adjacent land issued in connection with the land application area and/or production area.

22. "Waters of the United States" means, in accordance with 40 C.F.R. § 122.2, among other things:

    a. all waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce;

b. all interstate waters, including interstate wetlands;

c. all other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes or natural ponds, the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce, including any such waters:

(1) which are or could be used by interstate or foreign travelers for recreational or other purposes;

(2) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce; or

(3) which are or could be used for industrial purposes by industries in interstate commerce;

d. all impoundments of waters otherwise defined as waters of the United States under this definition;

e. tributaries of waters identified in Subparagraphs (a) through (d) of this definition; and

f. wetlands adjacent to the waters identified above.

Findings

23. Respondent is a person who owns or operates a cattle and swine facility located at the site.

24. The site is an animal feeding operation because:

a. the site includes lots or facilities where animals have been, are or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12 month period, within the meaning of 40 C.F.R. § 122.23(b)(1)(i); and

b. crops, vegetation, forage growth, or post harvest residues are not sustained in the normal growing season over any portion of those lots or facilities, within the meaning of 40 C.F.R. § 122.23(b)(1)(ii).

25. The site is a CAFO and a large CAFO because the site stabled or confined 1,200 cattle and 3,000 swine from farrow to finish.

26. The site confines and feeds or maintains cattle and swine for a total of 45 days or more in any 12 month period.

27. Spring Brook abuts the north end of the site. Spring Brook is perennial and flows approximately 7.8 miles to perennial Turtle Creek. Turtle Creek flows approximately 2.2 miles to the Rock River. The Rock River has a Total Maximum Daily Load (TMDL) for excessive phosphorus and total suspended solids concentrations.

28. Spring Brook, Turtle Creek, and the Rock River are each a water of the United States.

29. Respondent was operating under WPDES permit (WI-0059048) which became effective on April 1, 2013, and will expire on March 31, 2018.

30. On April 24, 2014, personnel from EPA conducted an inspection at the site (the inspection). A copy of the inspection report generated by EPA as a result of the inspection (Inspection Report) is included as Attachment 1 to this Consent Order.

31. During the April 2014 EPA inspection, EPA inspectors observed pipes, culverts, and surface drainage pathways that allow manure and process wastewater from the production area of the site to flow to the east and then northeast and drain through a culvert and then through a gulley (northeast of the feed bunkers) that flows north to Spring Brook, as described in the Inspection Report and depicted in the Overview Maps of Attachment 1 of the Inspection Report and the photographs in Attachment 2 of the Inspection Report.

32. During the April 2014 EPA inspection, EPA inspectors observed a surface drainage pathway in the field east and northeast of Bruce Barn that allows manure and process wastewater from the production area of the site to flow east and then northeast and drain to Spring Brook, as described in the Inspection Report and depicted in the Overview Maps of Attachment 1 of the Inspection Report and the photographs in Attachment 2 of the Inspection Report.

33. During the April 2014 EPA inspection, EPA inspectors took samples of three locations to determine the presence of pollutants in the path of surface water drainage from the site to Spring Brook. Sample S01 was taken of manure/process wastewater in the surface drainage pathway south of the East Lot. Sample S02 was taken of water in the gulley northeast of the feed bunkers. Sample S03 was taken of process wastewater from an underground tank that accepts surface water drainage from the feed bunkers. The results of the sampling, summarized in Table 2 of the Inspection Report, identified the presence of pollutants, including fecal coliform, several forms of nitrogen, as indicated by Total Kjeldahl Nitrogen (TKN), nitrate-nitrite nitrogen, and ammonia nitrogen, total phosphorus, total dissolved solids, and total suspended solids.

34. The site is a point source that discharges pollutants to waters of the United States.

35. During the April 2014 EPA inspection, EPA inspectors identified the following permit violations:

a. According to Permit Condition 1.1 (Production Area Discharge Limitations), "The permittee may not discharge pollutants to navigable waters under any circumstance or storm event from areas of the production area, including manure stacks on cropland, where manure and process wastewater is not properly stored or contained by a structure."

i. Manure and waste bedding was located at the east end of the Cow Palace Barn and it was not properly stored or contained by a structure. In the southeast corner of the Cow Palace Barn, there is a culvert that goes under the access road and outlets to a surface drainage pathway through a vegetated area that leads to a culvert. The culvert drains to a surface drainage pathway (south of East Lot) that flows east then northeast, which in turn drains to a gulley flowing north, which in turn drains to Spring Brook. EPA inspectors observed manure and waste bedding around and leading up to the entrance of the culvert, manure and bedding solids around the outlet of the culvert, and throughout the pathway in the vegetated area leading from the outlet of the culvert. The inspectors observed dead vegetation throughout the pathway. The inspectors observed that the culverts and surface water drainage pathways leading from the east end of the Cow Palace would allow surface water runoff containing pollutants from manure and process wastewater to discharge to Spring Brook.

ii. Manure and process wastewater generated in the open lot of the Gilt Shed was not properly stored or contained by a structure. The open lot slopes to the east and surface water runoff from this area would flow east toward a surface drainage pathway through a vegetated area that leads to a culvert. The culvert drains to a surface drainage pathway (south of East Lot) that flows east then northeast, which in turn drains to a gulley flowing north, which in turn drains to Spring Brook. EPA inspectors observed manure, waste bedding, and dead vegetation throughout the pathway. The inspectors observed that the culvert and surface drainage pathway leading from the east end of the open lot of the Gilt Shed would allow surface water runoff containing pollutants from manure or process wastewater to discharge to Spring Brook.

iii. Manure and process wastewater generated in Robbie's Pen and Bruce Barn, and the respective open lots, was not properly stored or contained by a structure. The EPA inspectors observed a buildup of manure and bedding solids and ponding of manure and process wastewater at the east end of Bruce Barn. The open lots around Bruce Barn and Robbie's Pen drained through Bruce Barn to the east end of Bruce Barn. EPA inspectors observed

a push out of manure in the northeast corner of Bruce Barn and a stack of manure without containment between Bruce Barn and Robbie's Pen. The area east of Bruce Barn drained to a surface drainage pathway through a field that flows east then northeast to Spring Brook. The EPA inspectors observed that the surface drainage pathway would allow pollutants from manure and process wastewater to discharge to Spring Brook.

iv. Manure and process wastewater generated at the East Lot was not properly stored or contained by a structure. The EPA inspectors observed that the East Lot is sloped such that surface water drainage would flow to the east. The EPA inspectors further observed manure and feed solids from the East Lot had run off the northeast corner and into the access road off of the east end of the East Lot. The area east of East Lot drains northeast, which in turn drains to a gulley flowing north, which in turn drains to Spring Brook. The EPA inspectors observed that the path of surface drainage would allow pollutants from manure and process wastewater to discharge to Spring Book.

v. Process wastewater generated at the feed storage bunkers on the east end of the site was not properly stored or contained by a structure. On the east corner of the feed bunkers there is a pipe that diverts process wastewater to a 4,000 gallon reception tank. During the inspection, the reception tank was full. The EPA inspectors observed that the location and slope of the land surrounding the tank was such that overflow from the tank would flow to the east into the gulley that flows north to Spring Brook. The EPA inspectors observed that that the path of surface water drainage from the feed storage bunker area would allow pollutants from manure and process wastewater to discharge to Spring Brook.

vi. Process wastewater generated at the mortality compost pile located south of East Lot was not properly stored or contained by a structure. The EPA inspectors observed that the location and slope of the land surrounding the mortality compost pile are such that process wastewater would flow northeast to Spring Brook. The EPA inspectors observed that the path of surface water drainage from the compost pile would allow pollutants from process wastewater to discharge to Spring Brook.

vii. Manure and process wastewater generated at the animal walkway near the Arnold and Sayle's Barn was not properly stored or contained by a structure. The EPA inspectors observed that portions of the walkway were sloped such that surface water runoff from the walkway would flow toward the east to a surface drainage pathway along the south end of the Coughlin pit. The surface drainage pathway flows east along the south end of the Coughlin Pit and then north along the east end of Coughlin pit. Within the surface drainage pathway at the southeast corner of the Coughlin pit, the EPA inspectors observed dark and septic smelling water. The EPA inspectors further

observed dead vegetation throughout the surface drainage pathway. The surface drainage pathway connects with a culvert at the northeast end of Coughlin pit, which runs east under the access road and outlets to a surface drainage pathway flowing east along the south side of Hartgarten Barn. The EPA inspectors observed dead vegetation throughout the surface drainage pathway. The EPA inspectors observed that the topography of the area was sloped such that the surface drainage pathway drained through a vegetated area to the east of Hartgarten Barn, and that surface water would further drain to the surface drainage pathway flowing northeast, which in turn flows to a gulley, which in turn flows to Spring Brook. The EPA inspectors observed that the path of surface water drainage from the animal walkway would allow pollutants from process wastewater to discharge to Spring Brook.

b. According to Permit Condition 1.5 (Ancillary Services and Storage Areas), "For CAFO outdoor vegetated areas, the permittee shall also implement the following practices: . . Prohibit direct access of livestock or poultry to surface waters or wetlands located in or adjacent to the area unless approved by the department."

   i. At the time of the inspection, cattle had direct access to Spring Brook through the pastures located north and east of the production area.

c. According to Permit Condition 1.6 (Nutrient Management), "the permittee shall maintain daily spreading records and submit annual reports relating to land application activities in accordance with s. NR 243.19." Permit Conditions 1.8.3 and 1.8.4 specify the information that must be provided in such annual report. Permit Condition 2.3 specifies the deadlines by which annual reports required under the permit shall be submitted to WDNR.

   i. At the time of the inspection, the Facility had not produced Nutrient Management Annual Reports for 2012 and 2013 and had not submitted such annual reports to WDNR.

   ii. The previous annual reports did not include the appropriate 3200-123 form for land applications or include land application equipment inspection or calibrations.

d. According to Permit Condition 1.6 (Nutrient Management), "the permittee shall maintain daily spreading records and submit annual reports relating to land application activities in accordance with s. NR 243.19." Permit Sections 1.8.3 and 1.8.4 specify that the Facility shall record daily land application logs on form 3200-123A or on a WDNR approved equivalent log sheet., and further specify the types of information that the Facility must record with respect to landspreading activities, including, but not limited to specific soil and weather conditions at the time of application. Further, s. NR 243.19(2)(b)(6) and 243.19(2)(d) require that the Facility record dates and certain inspection information concerning inspection of landspreading equipment in accordance with the permit.

i. The Facility does not record daily land application logs on form 3200-123A.

ii. The Facility does not document all daily land application log requirements, including but not limited to soil or weather conditions at the time of application.

iii. The Facility has not calibrated and recorded its calibration of its manure hauling equipment.

iv. The Facility does not have an explicit quantity for their actual yields for the field crops that they grow.

v. The Facility's NMP states that the facility will not land apply under conditions in which greater that a 50% chance of a 2 inch precipitation event will occur. This precipitation event significantly exceeds the rate in which one would expect runoff to occur from a field. The Facility has not recorded weather conditions during application.

e. According to Permit Condition 1.6 (Nutrient Management), "The permittee shall land apply manure and process wastewater in compliance with the Department approved nutrient management plan, s. NR 243.14 and the terms and conditions of this permit."

i. As specified under s. NR 243.14(5)(b)(2) and the Facility's NMP, at the soil test level of 200 ppm P_2O_5/Acre, application of manure is prohibited. EPA inspectors reviewed records for land application for the 2008 – 2011 crop year. Fields 7, 11A, 11B, 13, and 15 all had soil test levels which were above 200 ppm P_2O_5/Acre. Manure had been applied to all of these fields and manure was applied to most of these fields multiple years in a row. Based on the available records regarding the Facility's land application practices, the Facility has applied manure at fields at a soil test level above 200 ppm P_2O_5/Acre, in violation of Permit Section 1.6, s. NR 243.14(5)(b)(2), and the Facility's NMP.

ii. For soil test levels of 100 ppm to 200 ppm P_2O_5/Acre, application of manure is to be at 50% of the cumulative crop removal over a maximum 4 year rotation. Due to insufficient records, the crop uptake rate over this time period could not be calculated. However, using the general crop rotations the Facility has used in the Snap Plus reports and general yield parameters, it appears that the Facility has applied excessive quantities of phosphorus, above the 50% cumulative crop removal, to the following Fields: 8, 9, 16A, 16B, 17, 18, 19, and Dutch West.

f. According to Permit Condition 1.6.5 (Frozen or Snow Covered Ground), the permittee may surface apply solid manure on frozen or snow-covered ground in compliance with restrictions.

i. The Facility has not appropriately applied solid manure during frozen or snow covered ground conditions. The facility lacks appropriate solids characterization of manure in many instances. For instance, for fields with greater than a 6% slope, the minimum solids content for application to needs to be greater than 20%. The Dutch West field was applied to with pork and beef solid manure during January 2011 during frozen and snow covered conditions. The Dutch West field was reported with a slope of 7%. The manure tests taken closest to the dates of application were on March 24, 2011. These tests resulted in solids contents of 15% and 13% for beef and pork manure respectively.

ii. The Facility has exceeded the maximum application rate required under frozen and snow covered ground conditions. For instance, Dutch West field was applied to during January 2011. The facility did not analyze this manure until March 24, 2011. The facility calculated that the land application resulted in an addition of about 73.4 lbs P_2O_5/acre. This rate exceeded the maximum permitted application rate of 60 lbs P_2O_5/acre during frozen or snow covered ground conditions.

g. According to Permit Condition 1.7.1 (Monitoring and Inspection Program), "the permittee shall submit a monitoring and inspection program designed to determine compliance with permit requirements." Permit Condition 2.1 provides that "[c]onsistent with the Monitoring and Sampling Requirements subsection, the permittee shall submit a proposed monitoring and inspection program" by July 1, 2013.

i. At the time of the inspection, the Facility did not produce and had not submitted to WDNR a monitoring and inspection program required pursuant to Permit Condition 1.7.1.

ii. At the time of the inspection, the Facility did not document daily and weekly inspections at the production area and inspections of the field during land application.

h. According to Permit Condition 1.7.2 (Sampling Requirements), "The permittee shall collect and analyze representative samples of land applied manure and process wastewater for the parameters outlined in the monitoring requirements for each sample point. The permittee shall also collect and analyze soils from fields used for manure or process wastewater application at least once every four years. Sampling of manure, process wastewater and soils shall be done in accordance with s. NR 243.19(1)(c). "

i. At the time of the inspection, the Facility was not sampling land applied manure at the required frequency. The permit requires sampling of solid manure once quarterly and sampling of liquid manure monthly. The facility sampled as little as once per year.

i. According to Permit Condition 2.5 (Runoff Control System- Installation), by July 1, 2013 the Facility is to "Complete the suggested improvements in the January 21, 2013 letter from REA Engineering to Calamity Knoll Farm and continue to operate and maintain the runoff control systems for each of the feedlots at the main farm to maintain a no discharge system."

i. At the time of the inspection, the Facility had not implemented the runoff control system measures as described in January 21, 2013 letter. The Facility failed to reconstruct curb walls at the Cow Palace and maintain stormwater ditches and culverts around the Cow Palace and Hartgarten Barn. In addition, the Facility failed to have straw bales as runoff controls to detain and filter runoff from the Gilt Shed, Bruce Barn, and Robbie's Pen.

j. According to Permit Condition 3.2.4 (Mortality Management), "Animal carcasses may not be disposed of in a manner that results in a discharge of pollutant to surface water".

i. At the time of the inspection, the Facility operated a compost pile for animal carcasses. The compost pile was not contained in an approved structure. The Facility did not have an operation, monitoring, or inspection plan for the compost pile. The compost pile did not have containment for process wastewater that may be generated at the pile. The placement of the compost pile was situated such that runoff of process wastewater generated at the compost pile could flow to Spring Brook.

36. The violations described in Paragraph 35 are each a violation of Respondent's WPDES permit, and as such, are violations of Section 402 of the CWA.

Compliance Order On Consent Requirements

37. Upon the effective date of this Consent Order, Respondent shall implement the following:

a. Comply with all record keeping and reporting requirements for all activities as required by the WPDES permit and NMP, including, but not limited to:

i. Record daily land application logs on form 3200-123A.

ii. Record inspections and calibration of manure hauling equipment.

iii. Record all inspections conducted at the production area and the land application areas.

b. Comply with all land application requirements as required by the WPDES permit and NMP, including, but not limited to:

i. Cease application of manure and process wastewater to fields that have soil tests greater than 200 ppm P_2O_5/Acre.

ii. Cease application of manure and process wastewater to fields that have soil tests between 100 and 200 ppm P_2O_5/Acre at rates in excess of 50% of the cumulative crop removal rate over a maximum 4 year rotation.

iii. Cease application of manure and process wastewater to frozen or snow covered ground unless the application is done in accordance with the Facility's WPDES permit.

38. Within 30 calendar days of the effective date of this Consent Order, Respondent shall develop and submit to EPA for approval a Compliance Plan which describes in detail the actions to be taken by Respondent to permanently remedy all violations specified in Paragraph 35 of the Consent Order. The Compliance Plan shall include a completion schedule which shall not exceed 270 days from the effective date of this Consent Order.

39. After receipt and review of Respondent's Compliance Plan, EPA shall notify Respondent whether the Compliance Plan and completion schedule are acceptable. Once approved, the Compliance Plan and completion schedule shall be fully incorporated into and made enforceable part of this Consent Order. Upon receipt of EPA's written approval, Respondent shall commence work in accordance with the schedule and provisions contained therein.

40. Upon the effective date of this Consent Order, Respondent shall put into place interim measures to ensure that there are no unpermitted discharges when the Compliance Plan is being developed, reviewed, and implemented.

41. Within 30 calendar days of the effective date of this Consent Order, Respondent shall submit to EPA written documentation (e.g. as-built diagrams, photographs, affidavits, etc.) showing that Respondent completed installation of the interim measures.

42. Within 30 calendar days of the effective date of this Consent Order, Respondent shall develop and submit to EPA and WDNR for approval a proposed monitoring and inspection program.

43. Within 270 days of the effective date of this Consent Order, Respondent shall inform EPA in writing, of all actions taken to comply with its NPDES permit, the CWA, and the terms of this Consent Order.

44. Commencing on the effective date of this Consent Order and continuing quarterly for two years, Respondent shall submit records compiled and retained pursuant to its current and/or revised NMP and WPDES permit. Quarterly submissions shall, at a minimum, include all information required to be recorded under the WPDES permit and the NMP. Respondent shall submit copies of these records to EPA on a quarterly basis (every three months) beginning the effective date of this Consent Order. Records must be submitted on or before the seventh day of the month following the end of the quarterly reporting period (for example, if the quarterly period ends July 31st then the submission is due August 7th).

45. By no later than 30 days after the effective date of this Consent Order, Respondent shall submit to EPA and WDNR the annual report, including form 3200-123, for crop years 2012 and 2013, in accordance with the requirements of the Facility's WPDES permit. Respondent shall submit to EPA all future annual reports with all the required information required by the WPDES permit, including required form 3200-123, in accordance with the schedule provided in the WPDES permit.

46. Any documents or notifications required by this Consent Order to be submitted to EPA shall be submitted by Respondent to the following address:

Donald R. Schwer III
Water Enforcement Compliance Assurance Branch (WC-15J)
U.S. EPA Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

47. Any documents or notifications required by this Consent Order to be submitted to WDNR shall be submitted by Respondent to the following address:

Mark R. Cain
Bureau of Watershed Management
Wisconsin Department of Natural Resources
3911 Fish Hatchery Road
Fitchburg, Wisconsin 53711

48. All submittals made pursuant to this Consent Order shall be returned under an authorized signature containing the following certification:

> I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware that there are significant penalties for submitting false statements and information,

including the possibility of fines and imprisonment for knowing violations.

49. If the signatory finds at any time after submittal of information that any portion of the submittal is false or incorrect, the signatory shall notify EPA immediately. Knowing submittal of false information to EPA in response to this Consent Order may subject Respondent to criminal prosecution under Section 309(c) of the CWA, 33 U.S.C. § 1319(c), and 18 U.S.C. §§ 1001 and 1341.

General Provisions

50. This Consent Order does not affect Respondent's responsibility to comply with the CWA or other federal, state and local laws.

51. This Consent Order does not restrict EPA's authority to enforce the CWA or regulations promulgated pursuant to the CWA, or to seek appropriate relief, including penalties, under Section 309 of the CWA, 33 U.S.C. § 1319, for Respondent's violation of the CWA or regulations promulgated pursuant to the CWA.

52. Respondent neither admits nor denies the factual allegations and findings in this Consent Order, but stipulates that EPA has jurisdiction over the subject matter of this Consent Order and agrees to the terms of this Consent Order.

53. Respondent waives all remedies, claims for relief and otherwise available rights to judicial or administrative review that Respondent may have with respect to any issue of fact or law set forth in this Consent Order, including any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-706.

54. Failure to comply with this Consent Order may subject Respondent to penalties of up to $37,500 per day for each violation under Section 309 of the CWA, 33 U.S.C. § 1319 and 40 C.F.R. Part 19.

55. Respondent may assert a claim of business confidentiality under 40 C.F.R. Part 2, Subpart B, for any portion of the information it submits to EPA. Information subject to a business confidentiality claim is available to the public only to the extent allowed by 40 C.F.R. Part 2, Subpart B. If Respondent fails to assert a business confidentiality claim, EPA may make all submitted information available, without further notice, to any member of the public who requests it. Effluent data (as defined in 40 C.F.R. § 2.302(a)(2)) and standards and limitations (as defined in 40 C.F.R. § 2.302(a)(3)) are not entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B.

56. Information required to be submitted pursuant to this Consent Order is not subject to the approval requirements of the Paperwork Reduction Act, 44 U.S.C. § 3501 *et seq.*, because it seeks collection of information by an agency from specific individuals or entities as part of an administrative action or investigation.

57. EPA may use the information Respondent submits pursuant to this Consent Order for an administrative, civil judicial or criminal action.

58. This Consent Order shall be effective on the date of signature by the Director of the Water Division.

Certification of Completion

59. Within 30 days after Respondent concludes that it has complied with all requirements of this Consent Order, Respondent shall submit to EPA a written certification of completion describing all actions taken to comply with all requirements of this Consent Order.

60. After receipt and review of Respondent's certification of completion submitted pursuant to Paragraph 59, EPA may notify Respondent whether all requirements of this Consent Order have been satisfied.

61. This Consent Order shall be effective until EPA notifies Respondent that Respondent has complied with all requirements of this Consent Order.

ADMINSTRATIVE CONSENT ORDER
Docket No. V-W-15-AO-05

The undersigned representative of Respondent certifies that he/she is fully authorized to enter into the terms and conditions of the Consent Order and to bind the party he/she represents to this document.

Agreed this 24 day of MARCH, 2015.

For Respondent

By FOIA Exemption (b) (6)

Title Farmer

It is so ORDERED and Agreed this 7th day of April, 2015

By: Tinka G. Hyde
Tinka G. Hyde
Director, Water Division
United States Environmental Protection Agency
Region 5